

1 JOSEPH Y. HONG, ESQ.
2 Nevada Bar No. 5995
3 **HONG & HONG LAW OFFICE**
4 1980 Festival Plaza Dr., Suite 650
5 Las Vegas, NV 89135
6 Ph: (702) 870-1777
Fax: (702) 870-0500
E-mail: yosuphonglaw@gmail.com
Attorney for KK Real Estate Investment Fund, LLC

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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11 U.S. BANK NATIONAL ASSOCIATION, AS
12 TRUSTEE FOR THE HOLDERS OF THE
13 CSFB MORTGAGE SECURITIES CORP.,
14 ADJUSTABLE RATE MORTGAGE TRUST
2005-8, ADJUSTABLE RATE MORTGAGE
BACKED PASS-THROUGH CERTIFICATES,
SERIES 2005-8,

15 Plaintiff,

16 vs.

17 COUNTRYSIDE HOMEOWNERS
18 ASSOCIATION; KK REAL ESTATE
19 INVESTMENT FUND, LLC; DOE
20 INDIVIDUALS I-X, inclusive; and ROE
CORPORATIONS I-X, inclusive,

21 Defendants.

22 AND ALL RELATED CLAIMS.
23

Case No.: 2:15-cv-01463-RCJ-DJA

ORDER GRANTING

**MOTION TO RECONSIDER ORDER
DENYING MOTION TO WITHDRAW
AS COUNSEL FOR
DEFENDANT/COUNTER-CLAIMANT
KK REAL ESTATE INVESTMENT
FUND, LLC AND REQUEST TO BE
REMOVED FROM ECF SERVICE LIST**

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25 COMES NOW, Joseph Y. Hong, Esq. of the law firm of Hong & Hong ("Counsel"),
26 counsel of record for Defendant/Counterclaimant, KK Real Estate Investment Fund, LLC.
27 ("Defendant" or "KK Real Estate"), moves the Court to reconsider its November 13, 2019 Order
28 denying his Motion to Withdraw as Counsel, [ECF No. 96], pursuant to rule 54(b).

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3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. INTRODUCTION**

5 The instant case arose out of a Complaint filed by Plaintiff, U.S. Bank, National
6 Association, as Trustee for The Holders of The CSFB Mortgage Securities Corp., Adjustable Rate
7 Mortgage Trust 2005-8, Adjustable Rate Mortgage-Backed Pass-Through Certificates, Series
8 2005-8 (hereinafter referred to as "Plaintiff" or "U.S. Bank") [ECF No. 1], in the United States
9 District Court, District of Nevada bearing Case No. 2:15-cv-1463-RCJ-DJA, on or about July 31,
10 2015, alleging damages against Defendant, KK Real Estate, with regard to the property located at
11 8543 Ebony Hills Way, Las Vegas, Nevada 89123.

12 On or about September 17, 2015, Defendant filed an Answer and Counterclaim [ECF No.
13 21], and on or about October 1, 2015, Plaintiff filed an Answer to the Counterclaim [ECF No. 23].

14 On or about October 31, 2016, Plaintiff filed a Motion for Summary Judgment [ECF No.
15 48] in which Defendant, KK Real Estate, responded to [ECF No. 49] on or about November 23,
16 2016, followed by a Reply in Support of U.S. Bank's Motion for Summary Judgment [ECF No.
17 52] on or about December 12, 2016.

18 On or about January 12, 2017, a Substitution of Attorney for KK Real Estate [ECF No. 54]
19 was filed by Maier Gutierrez Ayon to substitute in for Hong & Hong. An Order [ECF No. 55] was
20 entered that ruled in favor of U.S. Bank's Motion for Summary Judgment on or about April 13,
21 2017, in which KK Real Estate filed a Notice of Appeal [ECF No. 59] on or about May 11, 2017.

22 On or about May 19, 2017, Maier Gutierrez & Associates filed a Motion to Withdraw as
23 Attorneys of Record [ECF No. 62] for Defendant, KK Real Estate. On or about June 6, 2017, an
24 Order [ECF No. 68] was entered granting Maier Gutierrez & Associates' Motion to Withdraw,
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1 followed by Ayon Law, PLLC's Notice of Appearance [ECF No. 70] on behalf of KK Real Estate
2 on or about June 20, 2017.

3 At the Status Conference set by the Court on June 10, 2019 [ECF No. 80], the Court
4 determined that this matter be set for a Calendar Call on November 19, 2019 at 9:00 a.m. in Reno,
5 Nevada, and Jury Trial to follow on December 2, 2019 at 8:30 a.m., in Reno, Nevada.

6 Ayon Law, PLLC filed a Motion to Withdraw as Attorneys of Record [ECF No. 85] for
7 Defendant, KK Real Estate, on September 5, 2019, and an Order granting same [ECF No. 87] was
8 entered on September 9, 2019. Thereafter, On September 17, 2019, Hong & Hong filed its Notice
9 of Appearance [ECF No. 88] on behalf of Defendant/Counter-claimant, KK Real Estate. On
10 November 7, 2019, Hong & Hong filed its Motion to Withdraw as Counsel for
11 Defendant/Counter-claimant [ECF No. 92] for the reasons set forth therein.

12 On November 13, 2019, the Court issued its Order [ECF 96] denying same but provided
13 that "the Court would reconsider this motion if counsel can present substitute counsel such that
14 trial will not need to be continued." *See* ECF No. 96.

15 On November 14, 2019, the Law Offices of Michael F. Bohn, Esq., filed its Notice of
16 Appearance on behalf of Defendant/Counter-claimant KK Real Estate [ECF No. 100].

17 Thus, as KK Real Estate now has retained substitute counsel, and pursuant to this Court's
18 Order [ECF No. 96], Hong & Hong respectfully requests the Court reconsider its motion to
19 withdraw from this matter prior to the commencement of jury trial.

20 **II. LEGAL ANALYSIS**

21 Rule 54(b) allows a Court to revise an interlocutory order "at any time before the entry of
22 judgment adjudicating all claims and all parties' rights and liabilities." Accordingly, "[w]here
23 reconsideration of a non-final order is sought, the Court has inherent jurisdiction to modify, alter
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1 or revoke it.” *Goodman v. Platinum Condo. Dev., LLC*, No. 2:09-CV-00597-KJD, 2012 WL
2 1190827, at *1 (D. Nev. Apr. 10, 2012).

3 As the Court will glean, the condition upon which the Court would reconsider the Motion
4 to Withdraw has occurred as KK Real Estate has retained substitute counsel for Hong & Hong.
5 Furthermore, as provided by Rule 54(b) and *Goodman*, the Court has jurisdiction to reconsider its
6 Order, ECF No. 96 because the conditions as set forth therein have been satisfied.
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9 **III. CONCLUSION**

10 Counsel, therefore, respectfully requests this Court to reconsider its Motion to Withdraw as
11 Counsel and grant said Motion to Withdraw pursuant to the conditions of the Order having been
12 met.

13 DATED this 15th day of November, 2019.

14 **HONG & HONG**

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18 JOSEPH Y. HONG, ESQ.
19 Nevada Bar No. 5995
20 1980 Festival Plaza Dr., Suite 650
21 Las Vegas, Nevada 89135
22 Attorney for Defendant/Counterclaimant
23 *KK Real Estate Investment Fund, LLC.*

24 IT IS HEREBY ORDERED that the Motion to Reconsider Order Denying Motion to Withdraw as
25 Counsel for Defendant/Counter-Claimant KK Real Estate Investment Fund, LLC and Request to
26 be Removed From ECF Service List (ECF No. 101) is GRANTED.

27 IT IS SO ORDERED this 15th day of November, 2019.

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ROBERT C. JONES
District Judge